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OFFICE OF PETITIONS

In re Application of	:	
Charles H. Tabb et al	:	
Application No. 10/722,153	:	DECISION ON PETITION
Filed: November 25, 2003	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 24800-RA	:	37 CFR 1.102(c)(2)
	:	

This is a decision on the renewed petition under 37 CFR 1.102(c)(2)(i), filed November 23, 2003, to make the above-identified application special based on the invention materially enhancing the quality of the environment, as set forth in M.P.E.P. § 708.02, Sections V.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(i) and MPEP § 708.02, Section V: Environmental Quality, must state that special status is sought because the invention materially enhances the quality of the environment by contributing to the restoration or maintenance of basic life-sustaining natural elements. If the disclosure is not clear on its face that the claimed invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements, the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. No fee is required.

While applicants' invention may prevent concrete spills, there is little factual evidence that the invention "materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic-life sustaining natural elements." The claimed invention does not appear to have a significant impact on the restoration or maintenance of the basic life-sustaining elements over the currently used devices. The contribution of applicants' invention, while beneficial to the environment, does not rise to the level intended by the Rule.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450

Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to Wan Laymon 571-272-3220.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 2632 for action in its regular turn.

A handwritten signature in black ink, appearing to read "Denise Pothier". The signature is fluid and cursive, with the first name "Denise" written in a larger, more prominent script than the last name "Pothier".

Denise Pothier
Petitions Examiner
Office of Petitions